

REMARKS

Claims 1, 22-32 are in the case and presented for reconsideration.

Claims 1, 25-27, 30 and 31 have been amended to clarify and more particularly claim the invention.

The examiner objected to the submittal of references on forms PTO-892 from the parent application rather than form 1449. Applicants are submitting herewith the cited references on form 1449, transcribed from forms PTO-892. However, in accordance with 37 CFR 1.98(d) and MPEP 609, copies of the art are not included. Applicants earnestly request consideration of the references cited therein.

Rejections under 35 U.S.C. § 112

The examiner rejected claims 25 and 30 under 35 U.S.C. § 112, second paragraph as lacking clarity as to which part of the carpet contains the additives. Applicants submit that the amendment to claims 25 and 30 overcomes this rejection by specifying that additives are included in the adhesive. Support for this amendment is found on page 4, lines 6-12 of the specification.

The examiner rejected claims 26 and 31 under 35 U.S.C. § 112, second paragraph in the use of the redundant terms “polyamide” and “nylon”. Applicants submit that the amendment to claims 26 and 31 overcomes this rejection by using only the term “polyamide”.

Accordingly, Applicants submit that the amendment claims 25, 26, 30 and 31 overcomes the 35 U.S.C. § 112, second paragraph rejections and request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 27, 30 and 31 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Taft et al. (US 3,982,051). Applicant submits that the amendment to claim 27 overcomes this rejection.

Applicants' presently claimed invention is a carpet composition, recyclable without a separation step, having from 50 to 100 percent polymeric material having a tufted primary

backing, a secondary backing, and an adhesive consisting essentially of an ethylene methyl acrylate copolymer and ethylene vinyl acetate copolymer.

Taft et al. discloses a hot melt composition that is substantially free of wax. The hot melt composition consists essentially of a copolymer of ethylene and vinyl acetate and/or alkyl acrylate wherein the alkyl group contains from 1-18 carbon atoms; atactic polypropylene, and vulcanized rubber. However, Taft et al. do not teach or suggest an adhesive material that omits an atactic polypropylene and vulcanized rubber. Thus, claims 27, 30 and 31 are not anticipated by Taft et al.

Claims 27, 30 and 31 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Bova (US 5,445,860). Applicants submit that the amendment to claim 27 overcomes this rejection.

Bova discloses a method for making a tufted carpet having a primary backing, a secondary backing and an elastomer sandwiched between the two backings. Bova teaches that the elastomer is a mixture of ethylene vinyl acetate and ethylene methyl acrylate and a tackifier selected from piccopale and amorphous polypropylene. Accordingly, Bova does not teach or suggest an adhesive material that omits a tackifier selected from piccopale and amorphous polypropylene. Thus, claims 27, 30 and 31 are not anticipated by Bova.

Claims 1 and 23-31 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Peoples, Jr. et al. (US 4,508,771). Applicants submit that the amendment to claims 1 and 27 overcomes this rejection.

Peoples disclose a thermoplastic carpet backing material having a thermoplastic barrier resin composed of a copolymer of ethylene and an unsaturated ester of a lower carboxylic acid such as vinyl acetate or alkyl acrylates, an olefinic elastomer, and a filler. Examples of alkyl acrylates include methyl acrylate, ethyl acrylate, propyl acrylate and butyl acrylate. The olefinic elastomer component includes: copolymers of ethylene with higher α -olefins; polyisobutylene; and copolymers of isoprene. However, the adhesive composition of Applicants' presently claimed invention does not include an elastomer component or ethylene-propylene copolymers. Thus, claims 1 and 23-31 are not anticipated by Peoples, Jr. et al.

Accordingly, Applicants submit that claims 1, and 23-31 are not anticipated by Taft et al., Bova, or Peoples, Jr. et al. and request that the 35 U.S.C. § 102 (b) rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claim 29 was rejected under 35 U.S.C. § 103 (a) as being obvious over Taft et al. or Bova in view of Fink (US 5,240,530) or Peoples, Jr. et al. Applicants submits that the amendment to claim 27 overcomes this rejection.

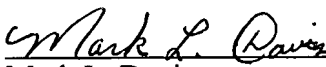
As discussed above, the references over Taft et al. and Bova do not teach or suggest a carpet composition, recyclable without a separation step, having from 50 to 100 percent polymeric material having a tufted primary backing, a secondary backing and an adhesive material consisting essentially of a blend of an ethylene methyl acrylate copolymer and ethylene vinyl acetate copolymer. Both Taft and Bova require an elastomer, such as vulcanized rubber or a tackifier which includes polypropylene. Moreover, neither Fink nor Peoples, Jr. et al., either alone or in combination, would suggest to one skilled in the art to modify the teachings of either Taft or Bova to derive the claimed invention. Claim 29 is dependent on claim 27, which, as noted above, is not taught or suggested by the cited references.

Fink discloses a carpet composition having a primary backing, a secondary backing and an extruded sheet of isotactic polyolefin polymer, such as polypropylene. Fink also teaches that the carpet composition can include a layer of isotactic polypropylene fused to the primary backing and a coextruded layer containing a blend of thermoplastic polyolefin and thermoplastic elastomer. However, the adhesive layer of Applicants' claimed invention does not include an elastomer.

Applicants submit that claim 29 is patentably distinguishable over Taft et al. or Bova in view of Fink (US 5,240,530) or Peoples, Jr. et al.

Accordingly, Applicants submit that claims 1, 22-32 are not taught or suggested by the cited references above and respectfully request that the examiner withdraw all the rejections and pass the application to allowance at the examiner's earliest convenience.

Respectfully submitted,


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